

NO. 5:19-CV-440-FL

CONSENT ORDER AND JUDGMENT OF FORFEITURE

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substituted for the Claimed Property as a party-defendant in this action, and that upon such substitution, the Claimed Property shall be dismissed as a party-defendant from this action.

3. Provident Funding Associates, L.P. ("Provident"), is the only other interested party who has filed a claim with respect to the Claimed Property. Although not a signatory to the underlying Settlement Agreement, Provident's asserted interest will be fully preserved by the dismissal of the Claimed Property from this action as contemplated by the Settlement Agreement, and Provident's counsel consents to the entry of this Order.

4. Neither Denene Powell nor any other interested party (with the exception of the County taxing authorities, discussed below) have filed a claim within the time prescribed by law with respect to the five other five parcels of real property named in the complaint (hereinafter, the "Unclaimed Properties"), and Claimant expressly disclaims any such interest and as the sole titled owner to said properties consents to their forfeiture herein.

5. Hertford County has submitted a claim for real property taxes due and owing with respect to the Claimed Property and three of the five Unclaimed Properties which are situated within its taxing jurisdiction. Although also not a signatory to the Settlement Agreement, Hertford County's asserted interest (except as to the Claimed Property being dismissed from this action) will be paid to the maximum extent allowed by law from the sales proceeds of the forfeited properties,

and Hertford County's counsel consents to the entry of this Order. Bertie County's interests, if any, will be similarly protected, although Bertie County did not file a claim.

In light of the foregoing, it is, therefore,

ORDERED that the \$6,000.00 in U.S. Currency tendered by Claimant and currently being held in the Seized Asset Deposit Fund is SUBSTITUTED for the Claimed Property as a party-defendant and shall be subject to forfeiture as an *in rem* Defendant in this action and as a substitute *res* for the Claimed Property;

ORDERED that the real property being legally described in deed book 666, pages 454-455 of the Hertford County Registry, North Carolina, having the physical address of 825 Mill Branch Church Road, Aulander, North Carolina (the "Claimed Property") is DISMISSED from this action as a party-defendant;

ORDERED that the substituted \$6,000.00 in U.S. Currency and the five remaining Unclaimed Properties are forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6) and 18 U.S.C. § 981(a)(1)(A) for disposition according to law. The legal descriptions of the Properties subject to this Order are more specifically described as follows:

a. 217 AHOSKIE COFIELD ROAD, AHOSKIE, NORTH CAROLINA is more specifically described as follows:

All that certain lot or parcel of land situated in the town of Ahoskie, Ahoskie Township, Hertford County, North Carolina, located on the north side of the Ahoskie to Cofield highway

adjoining the lands of Donia H. Green and more particularly described as follows:

BEGINNING at an iron stake on the north side of the highway leading from Ahoskie to Cofield, the said stake being 25 feet from the center line thereof and 104.5 feet westerly from the center line of an 18" culvert, corner for Donia H. Green; thence along the Green line North 16 degrees West 209 feet to an iron stake, corner for W. T. Chamblee; thence along the Chamblee line South 81 degrees and 30 feet West 104.5 feet to an iron stake, a corner; thence South 16 degrees East 209 feet to an iron stake at the aforesaid highway; thence along the said highway North 81 degrees and 30 feet East 104.5 feet to the beginning containing one-half (.5) an acre.

APN: 6903242168

b. 138 EAST MOUNT TABOR CHURCH ROAD, AHOSKIE, NORTH CAROLINA is more specifically described as follows:

All that certain parcel of land situate in the Town of Murfreesboro, County of Hertford, and State of North Carolina, being known and designated as:

BEING ALL that certain parcel of land and improvements thereon lying and being in Murfreesboro Township, Hertford County, North Carolina, being situate on the southern edge of US Highway 158 containing 2.3167 acres as depicted on a plat entitled "Plat Showing Property Being Conveyed to Nancy C. Eaton" dated May 3, 2000, Billy Felton-Surveyor, which plat is recorded in Plat Cabinet 1, Slide 96-C, Hertford County Registry. That plat is fully incorporated herein by reference for more perfect description of the parcel being conveyed.

APN: 5987635617

c. 421 CATHERINE CREEK ROAD, AHOSKIE, NORTH CAROLINA is more specifically described as follows:

All that certain lot or parcel of land situated in the County of Hertford, State of North Carolina, more particularly described as follows, to wit:

Beginning at an iron pipe on the right of way of Everette Street in the town of Ahoskie, a corner for the property herein conveyed and lands of Joseph Andrusia; thence South 76-30 West 144.3 feet to a point a corner thence North 3-30 West 73.54 feet to an iron pipe; thence North 86-30 East 142.15 feet to an iron pipe; thence South 3-30 East 47 feet to the point and place of beginning.

APN: 5992567522

d. 14.6 ACRES OF LAND LOCATED ON COMMERCE STREET, AULANDER, NORTH CAROLINA is more specifically described as follows:

That certain tract or parcel of land lying and being in Mitchells Township, Bertie County, North Carolina, and Beginning at an iron pip set at the point of intersection of the western right of way line of Clyde Avenue, and from said beginning point thence along and with the western right of way line of Commerce Street the following courses and distance, North 09 degrees 29 minutes 00 seconds West 121.64 feet to an iron pipe set, North 09 degrees 16 minutes centerline of said ditch the following courses and distances: South 13 degrees 56 minutes 30 seconds East 305.67 feet to an iron pipe set, South 16 degrees 03 minutes 40 seconds East 188.79 feet to an iron pipe set South 17 degrees 11 minutes .19 seconds East 68.35 feet to an iron pipe set, and South 29 degrees 57 minutes 35 seconds East 46.17 feet to an iron pipe set in the center of said ditch, cornering; thence leaving the centerline of said ditch, North 81 degrees 15 minutes 00 seconds East 157.56 feet to an iron rod set in the western right of way of Walnut Street, cornering; thence along and with the western right of way line of Walnut Street, North 08 degrees 45 minutes 00 seconds West 50.00 feet to an iron rod set in the center of a ditch, cornering; thence along and with the centerline of said ditch, the following courses and distances: North 81 degrees 15 minutes 00 seconds East 200.00 feet to an iron rod set in the centerline of said ditch, cornering; thence leaving the centerline of said ditch, South 08 degrees 45 minutes 00 seconds East 150.00 feet to an iron rod set at the base of a gum tree in the northern right of way line of Clyde

Avenue, cornering; thence along and with the northern right of way line of Clyde Avenue the following course and distances: North 81 degrees 15 minutes 01 seconds East 340.00 feet to an iron rod set, North 81 degrees 15 minutes 01 seconds East 229.49 feet to an iron pipe set in the western 'right of way line of Commerce Street, the point of Beginning.

The property described herein contains 14.64 acres and is the identical property shown on a map entitled "Map Prepared for Southeastern Forest Products, Inc., Township: Mitchells, County: Bertie, State: North Carolina, Scale: 1"=100", Date: February 13, 1998," which map was prepared by John F. Brammer, R.L.S. to which map reference is hereby made for further description.

APN: 5950489916

e. 512 EAST CHURCH STREET, AULANDER, NORTH CAROLINA is more specifically described as follows:

All those certain lots or parcels of land situated in the Town of Roxobel, Roxobel Township, Bertie County, North Carolina, and more particularly described as follows:

TRACT I: That certain lot or parcel of land in the Town of Roxobel Township, Bertie County, North Carolina, more particularly described as follows: bounded now or formerly on the North. by S. R.1208; on the East and South by lands formerly owned by Woody Vick, now Morris and Brown, Inc.; and on the West by lands of A. V. Hall, Jr., and wife, Lucy F. Hall, BEGINNING at a concrete marker on the southern edge of S. R. 1208 at the northeast corner for the lot now owned by A. V. Hall, Jr., and wife, Lucy F. Hall, and running thence North 83 degrees 30 minutes East 15 feet, thence South 17 degrees 10 minutes West 155.5 feet; thence South 83 degrees 30 minutes West 15 feet thence North 17 degrees 10 minutes West 155.5 feet to the BEGINNING, and being the same land conveyed by that certain deed dated December 19, 1988, from Morris and Brown, Inc. to A. V. Hall, Jr., et ux recorded in Book 671, Page 232, in the Office of the Bertie County Register of Deeds.

TRACT II: That certain lot or parcel of land in the Town of Roxobel Township, Bertie County, North Carolina, more particularly described as follows: bounded now or formerly on the North by Church Street in the Town of Roxobel, on the West by the lands of Kelly Bishop, on the South and East by other lands of Woody Horace Vick, and BEGINNING at an iron post on Church Street on the line of Kelly Bishop, said iron post being 23 feet from the center of said street, and running thence North 83 degrees 30 minutes East 75 feet: South 17 degrees 10 minutes East 155.5 feet South 83 degrees 30 minutes West 75 feet; North 17 degrees 10 minutes West 155.5 feet to the BEGINNING, and containing 11,460 square feet according to survey made by Linwood L. Rawls, RLS L-1241, dated May 13, 1978 and being the same land conveyed by that certain deed dated May 22, 1978, from Woody Horace Vick to A. V. Hall Jr. et ux recorded in Book 609 Page 529, in the Office of the Bertie County Register of Deeds.

Address: 512 East Church Street, Roxobel, NC 27872

APN: 5829072825

ORDERED that all right, title and interest in the above-described property is hereby condemned, forfeited and vested in the United States of America. Except as expressly recognized herein, no other person or entity shall have any right, title or interest in the property and any and all liens are hereby released as of the date of the closing of the sale of each property. The United States shall have clear title to said property and may warrant good title to any subsequent purchaser or transferee;

ORDERED that upon the sale of the five Real Properties set forth above, the proceeds of the sale shall be distributed in the following priority to the extent proceeds are available:

- a. First, to the United States Marshals Service (USMS) pursuant to 21 U.S.C. § 881(e)(2)(A)(i), any and all costs and expenses incurred by the USMS in connection with the seizure, maintenance, forfeiture, marketing and sale of

the property; escrow fees; insurance costs, if any; commissions, if any; document recording fees not paid by the buyer; title fees; and transfer taxes;

- b. Second, to the Hertford or Bertie County Tax Collector, whichever is applicable, for all unpaid real property taxes due and owing through the date of the entry of this Consent Order and Judgment of Forfeiture; provided, however, that the United States shall not be liable for the payment of state or local property taxes from the date of the entry of this Consent Order and Judgment of Forfeiture; and
- c. Finally, any remaining balance shall be forfeited to the United States and shall be disposed of according to law;

ORDERED that each party shall bear its own attorneys' fees, costs and expenses in this litigation; and

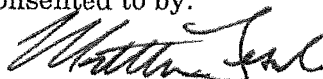
Upon the entry of this order, the Clerk of Court is DIRECTED to close this case.

SO ORDERED this 6th day of January, ~~2019~~ 2020



LOUISE W. FLANAGAN
United States District Judge

Consented to by:



MATTHEW L. FESAK
Attorney for United States of America



LISA S. COSTNER
Attorney for Claimant Denene Powell